

4/25/2019

**UNITED STATES DISTRICT COURT  
THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

JULIA C. DUDLEY, CLERK  
BY: S/J.Vasquez

DEPUTY CLERK

UNITED STATES OF AMERICA )  
 )  
v. ) Court No. 5:19-cv-00032  
 )  
FIVE FIREARMS & MISCELLANEOUS )  
AMMUNITION )

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

Now comes the plaintiff, United States of America, and brings this Complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

## NATURE OF THE ACTION

1. This is a civil action *in rem* brought to forfeit and condemn certain personal property assets to the use and benefit of the United States, pursuant to 18 U.S.C. § 924(d), for violations of 18 U.S.C. § 922(g)(3).

## THE DEFENDANTS *IN REM*

2. The defendant property consists of the following property:

(a) Five firearms and miscellaneous ammunition, detailed below, that were seized from Ronald Leonard Rush on December 7, 2018 at the following location: 228 South Royal Avenue, Front Royal, Virginia 22630, and is presently in the custody of the Bureau of Alcohol, Tobacco, Firearms and Explosives at the Winchester Satellite Office.

	<b>CATS #s</b>	<b>Description</b>
(1)	19-ATF-006098	Stallard/Maverick JS9 Pistol CAL:9 SN:024548
(2)	19-ATF-006110	8 Rounds Federal Ammunition CAL:9
(3)	19-ATF-006111	Savage Mark II Rifle CAL:22 SN:0023223
(4)	19-ATF-006113	5 Rounds Remington Ammunition CAL:22
(5)	19-ATF-006114	Henry Repeating Rifle Company H004 Golden Boy LE Rifle CAL:2

(6)	19-ATF-006117	188 Rounds Assorted Ammunition CAL:Multi
(7)	19-ATF-006119	3 Rounds Winchester-Western Ammunition CAL:30-06
(8)	19-ATF-006121	Savage 111 Rifle CAL:30-06 SN:F997060
(9)	19-ATF-008175	11 Rounds Federal Ammunition CAL:22
(10)	19-ATF-008176	Winchester 94 Rifle CAL:45 SN:5464503

### JURISDICTION AND VENUE

3. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1) because the acts giving rise to this forfeiture occurred in this district, and pursuant to 28 U.S.C. § 1395, because the property is located in this district.

6. Upon the filing of this Complaint, the United States requests that the Court issue a Warrant of Arrest and Seizure *in rem* pursuant to Supplemental Rule G(3)(b)(ii), which the United States will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

### BASIS FOR FORFEITURE

7. The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 924(d) because Rush possessed them in violation of 18 U.S.C. § 922(g)(3).

### FACTS

8. The facts supporting this Complaint are stated in the attached Declaration of Special Agent ATF, Christian Bockmann, and are incorporated by reference herein.

WHEREFORE, the United States of America respectfully requests that the Clerk of Court issue a Warrant of Arrest *in rem* pursuant to Supplemental Rule G(3)(b); that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be

entered declaring the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

THOMAS T. CULLEN  
United States Attorney

s/Krista Consiglio Frith  
Assistant United States Attorney  
State Bar No. 89088  
310 First Street, S.W., Room 906  
Roanoke, VA 24011  
Phone: (540)857-2250  
Fax: (540)857-2614  
krista.frith@usdoj.gov

VERIFICATION

I am a Special Agent of the ATF, and one of the agents assigned the responsibility for the above-captioned matter. I have read the contents of the foregoing Complaint for Forfeiture, and the statements contained therein are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25 day of April, 2019.



Christian Bockmann  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Krista Consiglio Frith  
540-857-2250  
310 1st St. SW, Roanoke, VA 24011

**DEFENDANTS**

Five Firearms and Miscellaneous Ammunition

County of Residence of First Listed Defendant Warren  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			IMMIGRATION	FEDERAL TAX SUITS	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 U.S.C 924(d)

Brief description of cause:

Civil Forfeiture

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

04/25/2019

SIGNATURE OF ATTORNEY OF RECORD

s/Krista Consiglio Frith, AUSA

FOR OFFICE USE ONLY

RECEIPT #

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establish probable cause. As such, this affidavit does not include each and every fact known by me or known by the government.

3. As set forth in detail below, the Subject Property is forfeitable under 18 U.S.C. § 924(d) because they were in possession of Ronald Rush (“RUSH”), formerly known as Ronald Leonard, in violation of 18 U.S.C. § 922(g)(3).

### **THE INVESTIGATION**

4. On December 7, 2018, ATF and local law enforcement executed a federal search warrant at 228 South Royal Avenue, Front Royal, Virginia 22630, RUSH’s residence. Inside the residence, law enforcement encountered Jonathan Hodges and placed him under arrest pursuant to a federal arrest warrant for a Federal Drug Conspiracy. Law Enforcement searched the residence and seized narcotics, narcotic paraphilia, firearms, and ammunition. In RUSH’s bedroom, law enforcement located firearms, ammunition, and smoking devices.

5. During a federal proffer interview, Jonathon Hodges talked about RUSH’s drug use while Hodges was living at the 228 South Royal Avenue residence. Hodges lived at the residence with Rush from approximately the end of September 2018, to his arrest on December 07, 2018. Hodges stated that RUSH smoked marijuana every day and that he smoked marijuana several times with RUSH. Hodges also stated that he gave RUSH methamphetamine several times. Hodges explained that RUSH and his sister, Mandy Leonard, would go to RUSH’s bedroom and smoke methamphetamine. Hodges said that he was not paying rent at the house, so the methamphetamine Hodges gave to RUSH was a gift or payment for letting Hodges stay there. On April 17, 2019, Hodges pleaded guilty to Title 21, United States Code, Section 841(a)(1)- Conspiracy to Distribute and possess With Intent to Distribute

methamphetamine, and Title 21, United States Code, Sections 841(a)and(b)(1)(C)- Distribution of controlled substances.

6. During a federal proffer interview, Silvius talked about RUSH's drug use. Silvius provided the following information about her time living at 228 South Royal Avenue in Front Royal, Virginia, with her boyfriend, RUSH. Silvius lived at the 228 South Royal Avenue residence from approximately August through October of 2018, but visited the residence several times after October 2018. Mandy Leonard moved in on September 21, 2018, and Jonathan Hodges moved in about a week after that. Silvius stated that RUSH was a daily user of marijuana and has been for as long as she can remember. Silvius stated that Rush used methamphetamine for the first time on his birthday, September 23, 2018, with Hodge's sister, Mandy Leonard. Silvius observed RUSH using methamphetamine four times over a few days after September 23, 2018, but believed RUSH was using methamphetamine more than those four times because she saw Rush "tweaking" (term for a person being up for several days, normally with side effects of irritable, agitated, and/or paranoid) on other occasions.

### **CONCLUSION**

7. Based upon your affiant's knowledge of the investigation, the circumstances surrounding the seizure, and proffers, your affiant believes that (1) RUSH is an unlawful user of marijuana and methamphetamine, and addicted to those controlled substances, and (2) RUSH possessed firearms and ammunition. As such, your affiant submits that RUSH violated 18 U.S.C. § 922(g)(3) and the subject firearms and ammunition are subject to forfeiture pursuant to 18 U.S.C. § 924(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25 day of April 2019.



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Christian Bockmann  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives